

# EXHIBIT A

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

**Mary L. McClune,**  
405 NE Inverrary Street  
Lee's Summit, MO 64064

Plaintiff

v.

**Farmers Insurance Company, Inc.,**

Serve: Missouri Director of Insurance  
301 W. High Street, Room 530  
Jefferson City, MO 65101

Defendant.

Case No. \_\_\_\_\_

**PETITION FOR DAMAGES**  
**(CONTRACT: CASE CODE CE)**

For her claims against defendants, plaintiff Mary L. McClune states as follows:

1. Plaintiff Mary L. McClune is a resident of eastern Jackson County, Missouri.
2. Defendant Farmers Insurance Company, Inc. ("Farmers") is a foreign corporation that transacts insurance business and insures risks located in eastern Jackson County, Missouri.
3. Venue is proper in the Circuit Court of Jackson County, Missouri sitting in Independence.

4. As of August 16, 2014, plaintiff and her automobile were insured under Farmers Auto Insurance Policy No. 19562-55-54 (the “subject policy”) for Underinsured Motorist (“UIM”) Coverage, subject to a limit of \$500,000.00.

5. On August 16, 2014, plaintiff sustained bodily injury as a result of accident that occurred at or near the QuikTrip located at 800 NE Woods Chapel Road in eastern Jackson County, Missouri.

6. In specific, JoAnn Miller then failed to keep a careful lookout as she was operating her 2012 Hyundai Sonata in reverse and thereby negligently caused such vehicle to collide with plaintiff, as she traversed the QuikTrip parking lot.

7. Miller's negligence directly caused, or directly contributed to cause, plaintiff to sustain permanent, progressive and continuing injuries including, but not limited to, injuries to each of her shoulders and rotator cuffs, which, in turn, caused attendant pain, suffering, loss of range of motion, anxiety, inability to sleep, and inability to enjoy life, all of which have previously required, and will in the future require, plaintiff to engage the services of a health care providers and to incur medical expense for care and treatment of such injuries.

#### **COUNT I - BREACH OF CONTRACT**

For her claim under Count I of this petition, plaintiff states as follows:

8. Incorporates by this reference ¶¶ 1 through 7 above.

9. At the time of the accident, Miller’s vehicle was insured for liability for bodily injury up to a limit of \$100,000.00 per person per accident, but such limits were

less than the limits of plaintiff's UIM coverage with Farmers rendering Miller's Hyundai Sonata was an "underinsured motor vehicle" under the subject policy.

10. Plaintiff's damages exceeded \$100,000.00.

11. Miller's liability insurer offered to pay her liability limits to plaintiff in partial satisfaction of plaintiff's damage claims.

12. Plaintiff obtained Farmers' written consent to such partial settlement and otherwise performed all conditions precedent to Farmers' obligation to pay plaintiff the UIM benefits due her under the subject policy.

13. After plaintiff accepted Miller's liability insurance limits in partial satisfaction of her damage claims, plaintiff requested Farmers to pay UIM benefits to her, but Farmers failed and refused to do so.

WHEREFORE, plaintiff Mary McClune prays for judgment under Count I of her petition against defendant Farmers, for her fair and reasonable damages, for interest, for her costs, and for such other and further relief as the Court deems just and proper under the circumstances.

#### **COUNT II – VEXATIOUS REFUSAL TO PAY**

For her claim under Count II of this petition, plaintiff states as follows:

14. Incorporates by this reference ¶¶ 1 through 13 above.

15. Farmers refused and continues to refuse to pay plaintiff's UIM claim without reasonable cause or excuse entitling plaintiff to recover penalties, interest and her reasonable attorneys fees pursuant to §§ 375.296 and 375.420, RSMo 2000.

WHEREFORE, plaintiff Mary McClune prays for judgment under Count II of her petition against defendant Farmers, for her fair and reasonable damages, for interest, for her costs, and for such other and further relief as the Court deems just and proper under the circumstances.

THE ACCURSO LAW FIRM

By: s/Andrew H. McCue  
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ATTORNEYS FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI  
AT INDEPENDENCE**

**MARY MCCLUNE,**

**PLAINTIFF(S),**

**VS.**

**CASE NO. 1816-CV10500  
DIVISION 2**

**FARMERS INSURANCE COMPANY INC,**

**DEFENDANT(S).**

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE  
AND ORDER FOR MEDIATION**

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NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **KENNETH R GARRETT III** on **13-AUG-2018** in **DIVISION 2** at **08:30 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16<sup>th</sup> Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16<sup>th</sup> Judicial Circuit web site at [www.16thcircuit.org](http://www.16thcircuit.org) after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

### MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

### POLICIES/PROCEDURES

Please refer to the Court's web page [www.16thcircuit.org](http://www.16thcircuit.org) for division policies and procedural information listed by each judge.

/S/ KENNETH R GARRETT III

KENNETH R GARRETT III, Circuit Judge

### Certificate of Service

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

#### Attorney for Plaintiff(s):

ANDREW HAYNES MCCUE, THE ACCURSO LAW FIRM, 4646 ROANOKE PARKWAY,  
KANSAS CITY, MO 64112

LOUIS CARL ACCURSO, THE ACCURSO LAW FIRM, 4646 ROANOKE PKWY, KANSAS  
CITY, MO 64112

#### Defendant(s):

FARMERS INSURANCE COMPANY INC

Dated: 24-APR-2018

MARY A. MARQUEZ  
Court Administrator



IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

☐ AT KANSAS CITY ☒ AT INDEPENDENCE

RE: MARY MCCLUNE V FARMERS INSURANCE COMPANY INC  
CASE NO: 1816-CV10500

TO: ANDREW HAYNES MCCUE  
THE ACCURSO LAW FIRM  
4646 ROANOKE PARKWAY  
KANSAS CITY, MO 64112

We have received pleadings, which you submitted for filing in the case and they have been file-stamped on 4-24-18. However, your pleading cannot be processed further until the following action is taken:

**RULE 3.2 - STYLE**

- ☐ Additional service instructions are needed.
- ☐ Incorrect case number/filed in wrong county.
- ☐ Document is unreadable.

**RULE 4.2 (2)**

- ☐ Need Circuit Court Form 4

**RULE 5.6 – COLLECTIONS OF DEPOSIT**

- ☐ No fee, or incorrect fee, received; fee required is \$\_\_\_\_\_.
- ☐ Insufficient Filing Fee; Please Remit \$\_\_\_\_\_
- ☐ No signature on check/form 1695.
- ☐ No request to proceed in forma pauperis.
- ☐ No personal checks accepted.

**RULE 68.1**

- ☐ Need Circuit Court Form 17

☒ **OTHER: IF SERVICE IS NEEDED PLEASE E-FILE INSTRUCTIONS. THANK YOU 881-1655**

- ☐ Please take the actions necessary to comply with the Circuit Court Rules and your request will be processed.
- ☐ The private process server listed is not on our approved list.
- ☐ Execution in effect. Return date \_\_\_\_\_. Request may be resubmitted within one week prior to return date.
- ☐ Supreme Court Rule 90.13 requires interrogatories be served with summons of garnishment.

**RULE 68.7 – VITAL STATISTICS REPORT**

- ☐ Need Certificate of dissolution of marriage form.

**RULE 74.14 SUPREME CT – FOREIGN JUDGMENT**

- ☐ Authentication of foreign judgment required.
- ☐ Affidavit pursuant to Supreme Court Rule 74.14

**RULE 54.12 SERVICE IN REM OR QUASI IN REM ACTIONS**

- ☐ Affidavit for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Order for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Notice for Service by Publication required pursuant to Supreme Court Rule 54.12c.
- ☐ Affidavit for Service by Certified/Registered Mail pursuant to Supreme Court Rule 54.12b.

**If the filing was a new case, please be advised that unless the additional information marked is received within 30 days of the date of this notice this case will be dismissed pursuant to Rule 37.4 for failure to prosecute without prejudice, at the Plaintiff's cost. Collection efforts will be pursued for these costs.**

Please refer to the Court's website at [www.16thcircuit.org](http://www.16thcircuit.org) for Court Rules or Forms.

Copies electronic noticed, faxed, emailed and/or mailed APRIL 24, 2018 to:

COURT ADMINISTRATOR'S OFFICE  
DEPARTMENT OF CIVIL RECORDS  
CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

APRIL 24, 2018

Date

By



Deputy Court Administrator

- ☐ 415 East 12<sup>th</sup> St., Kansas City, Missouri 64106
- ☒ 308 W. Kansas, Independence, Missouri 64050



THE  
ACCURSO LAW FIRM

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LEGAL ASSISTANTS  
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DONNA M. YOUNG  
ROGER S. ELLIOTT  
LINDSAY TABER  
NICOLE F. SILLINGS  
TINA M. TEKIPPE  
TRAVIS JACKSON

April 24, 2018

Circuit Court of Jackson County  
308 W. Kansas  
Independence, MO 64050

RE: McClune v. Farmers Insurance Company, Inc.  
Court Case No. 1816-CV10500

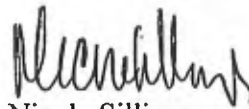
Dear Sir/Madam:

Please note we will be using the Cole County Sheriff's Department to serve Defendant Farmers Insurance Company, Inc. Please issue a summons.

Please do not hesitate to contact us if you have any questions or problems.

Thank you for your prompt service in the important matter.

Sincerely,



Nicole Sillings  
Paralegal



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: KENNETH R GARRETT III	Case Number: 1816-CV10500
Plaintiff/Petitioner: MARY MCCLUNE	Plaintiff's/Petitioner's Attorney/Address ANDREW HAYNES MCCUE THE ACCURSO LAW FIRM 4646 ROANOKE PARKWAY KANSAS CITY, MO 64112
Defendant/Respondent: FARMERS INSURANCE COMPANY INC	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Contract-Other	

(Date File Stamp)

Summons in Civil Case

**The State of Missouri to: FARMERS INSURANCE COMPANY INC**  
 Alias:  
 SRV: MO DIRECTOR OF INSURANCE  
 301 W HIGH STREET  
 ROOM 530  
 JEFFERSON CITY, MO 65101

**COURT SEAL OF**  
  
 JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

25-APR-2018  
 Date

\_\_\_\_\_  
 Clerk

Further Information:

**Sheriff's or Server's Return**

**Note to serving officer:** Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.

☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_ a person of the Defendant's/Respondent's family over the age of 15 years.

☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).

☐ other \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
 in \_\_\_\_\_ (County/City of St. Louis), MO, on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

\_\_\_\_\_  
 Printed Name of Sheriff or Server

\_\_\_\_\_  
 Signature of Sheriff or Server

**Must be sworn before a notary public if not served by an authorized officer:**

(Seal) Subscribed and sworn to before me on \_\_\_\_\_ (date).

My commission expires: \_\_\_\_\_ Date \_\_\_\_\_ Notary Public \_\_\_\_\_

<b>Sheriff's Fees</b>	
Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ ( _____ miles @ \$ _____ per mile)
<b>Total</b>	\$ _____

A copy of the summons and a copy of the petition must be served on **each** Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

## **SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION**

Under the Missouri e-filing system now utilized by the 16<sup>th</sup> Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County